



Electronic Logging Devices

FAQs for Commercial Motor Vehicle Dealerships

In 2015, the Federal Motor Carrier Safety Administration (FMCSA) issued rules mandating the use of electronic logging devices (ELD) in commercial motor vehicles (CMVs). ELDs should make it easier and faster to track, manage, and share hours-of-service (HOS) records of duty status (RODS) data. By enabling CMV drivers subject to the HOS mandates to record data accurately, ELDs may enhance the safety of CMV operations. Importantly, the ELD rules did not modify any of the HOS ROD mandates or exceptions already on the books.

For detailed information on the FMCSA's ELD rules, please click [here](#).

For detailed information on the FMCSA's HOS rules and exceptions, please click [here](#).

For a webinar hosted by ATD with FMCSA ELD staff, please click [here](#).

Q When do the ELD mandates take effect?

A Generally, non-exempt motor carriers and drivers must begin to use compliant ELDs by no later than December 18, 2017. Motor carriers and drivers already using compliant Automatic On-board Recording Devices may continue to do so until December 16, 2019, after which they must begin to use compliant ELD devices to record HOS RODs.

Q What is an ELD?

A An ELD is a device or application that automatically records a CMV operator's driving time, allowing for easier and more accurate HOS ROD recordkeeping. ELDs monitor CMV engines to capture data on engine operation, CMV movement, and miles driven. ELDs must be capable of either telematic or local data transfer, and must meet specific performance standards. When purchasing ELDs, dealerships should obtain contractual assurances indicating that they are fully compliant with FMCSA performance standards.

For suggestions on how to select an ELD, click [here](#).

Q Who must comply with the ELD rules?

A The ELD rules apply to most for-hire and private motor carriers employing drivers required to maintain HOS RODs. Dealerships operating CMVs in interstate commerce generally are private motor carriers for purposes of compliance with the HOS and ELD mandates. The HOS mandates set strict maximum limits for driving and on-duty time. Fortunately, much of the driving done by dealership employees falls into one of the exceptions described below. To the extent no ELD exemption applies, drivers operating CMVs on behalf of dealerships must keep accurate ROD logs showing compliance with the HOS limits.



Q What are the exceptions to the ELD rules?

A The ELD mandates do not apply to drivers covered by an HOS ROD exception, including:

1. The 100 air-mile radius exception applicable to drivers who do not drive more than 40 hours in 7 consecutive days, who return to their work reporting location and are released from work within 12 consecutive hours, and who have at least 10 consecutive hours off-duty between each 12 hours on-duty. This exception requires that accurate time records be kept and may, for example, apply to parts truck drivers.
2. The short-haul operations exception for drivers operating within a 150 air-mile radius of their normal work reporting location, who are not required to have a commercial driver's license (CDL), and who return to their normal work reporting location at the end of each duty tour. This exception may apply to technicians and other dealership drivers.
3. Drivers required to keep RODS for not more than 8 days out of every 30-day period. Dealership drivers covered by this exception must keep paper logs when necessary.
4. Drive-away/tow-away operations in which the CMV being driven is the commodity being delivered. Dealership drivers sometimes engage in drive-away/towaway operations.
5. Drivers of CMVs manufactured before model year (MY) 2000.

Q Are rented or leased CMVs exempt from the ELD rule?

A Motor carriers and drivers operating rented or leased CMVs, not otherwise exempt, are subject to the ELD mandates. Dealerships may rent or lease ELDs with the CMVs they rent or lease, or may offer to assist rental and lease customers with the use of their own ELD devices or applications.

On January 18, 2018, the FMCSA issued a 90-Day waiver from the ELD rules for short-term rentals (defined as 30 days or less). The waiver allows non-exempt drivers to use paper logs to track their HOS RODs for rentals of 30 days or less that begin prior to April 19, 2018. ATD suggests that drivers who take advantage of the waiver keep a copy of their rental agreement with them.

In October 2017, the FMCSA issued a much more limited exemption for rental CMVs. Effective until October 11, 2022, the 8-day exemption:

- Only applies to rentals of 8 days or less, regardless of the reason for the rental. Evidence suggesting that a carrier replaced a rental CMV with another on an 8-day cycle, or attempted to renew a rental agreement for the same CMV for an additional 8 days, may be regarded as a violation of the exemption subjecting the carrier to penalties for failing to use an ELD.
- The 8 day exemption requires drivers to keep with them a copy of the exemption notice (available [here](#)) and of the rental agreement to present to law enforcement upon request. The rental agreement must clearly identify the parties to it, the rented vehicle, and the dates of the rental period. Drivers also must possess paper copies of their RODS for the current day and for the prior 7 days (if required for those days).

Obviously, the waiver “trumps” the exemption until at least March 18, 2018.

Q Aren't there two other five-year exemptions?

A Yes. The first clarifies when and how motor carriers and drivers using portable, driver-based ELDs must record data. When drivers using portable, driver-based ELD change duty status or log in/log out of an ELD away from a vehicle and without the vehicle being powered, they must annotate the ELD record to indicate the appropriate duty status. When in powered CMVs, portable, driver-based ELDs must automatically record the required data elements.

The second five-year exemption states that motor carriers may configure ELDs to allow drivers to select “yard moves” without resetting their status to “none” if the ELD or CMV's engine goes through a power-off cycle (i.e., the ELD or engine turns off and then on). However, ELDs must switch from “yard move” to “driving” status if (1) the driver inputs the “driving” mode; (2) the vehicle exceeds 20 mph; or (3) the vehicle exits a geo-fenced motor carrier facility.

Q If the registration for a CMV reflects MY 2000 or newer, but the connections and components (e.g., engine) are older than MY 2000, is the CMV exempt from the ELD rule?

A If the model year listed on a CMV registration is not the same as that for the engine (for example, where a CMV was rebuilt using a “glider kit”), the engine model year is determinative. If the engine is MY 1999 or older, the driver is not subject to the ELD rule. If the engine is MY 2000 or newer, but the CMV registration is for MY 1999 or older, the driver is subject to the ELD rule. Drivers need not possess documentation of the engine model year, but motor carriers must maintain documentation on motor and engine changes at their principle place of business.

Q If a MY 2000 or newer CMV was manufactured without an engine control module (ECM), is the carrier required to comply with the ELD rule?

A CMVs equipped with engines that do not support an ECM, and that are unable to obtain or estimate the required vehicle parameters, must be equipped with ELDs that do not rely on ECM connectivity, but that otherwise meet the accuracy requirements of the ELD rule.

Q Can ELDs be used on MY 1999 and older CMVs?

A Yes, if they otherwise comply with and operate pursuant to the FMCSA's ELD performance specifications.

Q Are ELD user accounts required?

A ELD user accounts must be set up for non-exempt CMV drivers and for support personnel authorized to create, remove, and manage user accounts; configure allowed ELD parameters; and access, review, and manage driver ELD records.



Q What information is required to create ELD user accounts?

A Each driver user account must be created by entering the CMV driver's license number and the jurisdiction that issued that license. This information is needed to set up ELD user accounts and to verify driver identities, but is not used as part of the daily process for entering duty status data.

Q Can a motor carrier create exempt accounts in an ELD to accommodate service hours when a CMV is being operated by a driver exempt from the HOS ROD mandates?

A Motor carriers, including truck dealerships, can create exempt driver accounts for use by exempt operators, such as mechanics doing test drives. However, since the ELD rule prohibits multiple accounts per driver, a change in a driver's exempt/non-exempt status must be otherwise noted.

Questions on the FMCSA ELD mandates may be directed to NADA/ATD Regulatory Affairs at regulatoryaffairs@nada.org or 703-821-7040.

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